

Increasing Communications Access for Persons with Disabilities

Issue

Representatives from organizations that advocate on behalf of the disabled have been pushing for changes to communications laws and regulations to ensure that the Internet and other forms of electronic communication are more accessible to disabled people.

Leaders in both the House and Senate Commerce Committees have expressed support for greater accessibility of modern communications and have introduced legislation to achieve this goal. In April of 2010, Sen. Mark Pryor (AR) and Sen. John Kerry (MA) introduced S. 3304, the Twenty First Century Communications and Video Accessibility Act of 2010, which is companion legislation to H.R. 3101 the Twenty First Century Communications and Video Accessibility Act of 2009, introduced by Congressman Ed Markey (MA-7) last June.

These bills are comprehensive in nature and would place numerous obligations on multiple sectors of the communications industry, including consumer electronics manufacturers, software companies, phone and Internet providers, cable companies, creators of video programming and broadcasters. Specific to the broadcast industry, the legislation would expand television stations' existing closed captioning obligations to video programming, including programming distributed over the Internet; give the Federal Communications Commission (FCC) the authority to issue video description requirements; and require greater accessibility to televised emergency information to the blind or visually impaired.

History

In 2000, the FCC issued requirements for the top four television broadcast networks in the top 25 markets to video describe approximately four hours of programming per week. However, a federal appeals court struck down those regulations, finding that the FCC did not have the authority to issue them. This legislation would give the FCC the authority to reissue the 2000 video description regulations and possibly expand upon them.

The House and Senate Commerce Committees held hearings on this subject in both the 109th and current 110th Congresses. At a May 26, 2010 Senate Commerce hearing, Senate Commerce Communications Subcommittee Chairman John Kerry indicated that this July will mark the 20th anniversary of the Americans with Disabilities Act and that Congress should try to pass legislation in 2010 to expand upon that landmark legislation.

(Continued)

NAB Position

NAB supports the goal of increased accessibility of modern communications to persons with disabilities. As Congress looks to address these issues, the organization will seek to ensure that any mandates placed upon broadcasters work in conjunction with the efforts already taking place within the industry, such as the captioning proceedings the Society of Motion Picture and Television Engineers (SMPTE) is undertaking. Additionally, the issues of video description of programming and emergency alerts are very complex, and all aspects of those issues should be fully examined before any possible mandates are enacted.

Action Needed

Congress should work with broadcasters to ensure that policies to increase the accessibility of modern communications are achievable, effective and work in coordination with industry efforts currently underway.

Revised July 2010